

AS

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 98-127-C - ORDER NO. 98-463

JUNE 19, 1998

IN RE: Application of FTC Communications, Inc. for ) ORDER 112  
a Certificate of Public Convenience and ) APPROVING  
Necessity to Provide Local Exchange ) APPLICATION  
Services in those Areas Currently Served by )  
GTE South, Inc. that are located within the )  
Outer Boundary of the Local Service Area of  
Farmers Telephone Cooperative, Inc.

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the Application of FTC Communications, Inc. ("FTC" or "the Company"). The Application requests that the Commission issue a Certificate of Public Convenience and Necessity authorizing FTC to provide local exchange and exchange access telecommunications services in those areas of South Carolina currently served by GTE South, Incorporated (GTE) that are located within the outer boundary of the local service area of Farmers Telephone Cooperative, Inc. (Farmers). Specifically, FTC intends to provide services to customers located in and around the cities, towns, or locations of Bishopville, Kingstree, Lake City, Manning, Olanta, Shawview Heights, Summerton, and Sumter. The Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 1996), and the Regulations of the Commission.

By letter, the Commission's Executive Director instructed FTC to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings and to provide notice of the hearing date on this matter. FTC complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. A Petition to Intervene was received from the Consumer Advocate for the State of South Carolina ("the Consumer Advocate").

A hearing was convened on June 10, 1998, at 11:30 a.m. in the Commission's Meeting Room. The Honorable Guy Butler, Chairman, presided at the hearing. FTC was represented by M. John Bowen, Jr., Esquire and Margaret Fox, Esquire. The Consumer Advocate was represented by Elliott F. Elam, Jr., Esquire. The Commission Staff ("Staff") was represented by F. David Butler, General Counsel.

In support of its Application, FTC presented W. E. McCutchen, Jr., President of FTC, to testify. The purpose of Mr. McCutchen's testimony was (1) to present evidence on the financial, managerial, and technical abilities of FTC to provide local exchange service and exchange access service to locations within certain portions of the GTE service area; and (2) to discuss the services which FTC proposes to offer.

### **DISCUSSION**

S.C. Code Ann. §58-9-280 (Supp. 1996) provides that the Commission may grant a certificate to operate as a telephone utility ... to applicants proposing to furnish local telephone service in the service territory of an incumbent LEC.

After full consideration of the applicable law, FTC's Application, and the evidence presented at the hearing, the Commission finds and concludes that the Certificate sought by FTC should be granted. The Commission's determination is based on the following criteria as provided in S.C. Code Ann. §58-9-280 (Supp. 1996) and the evidence presented at the hearing which relates to that criteria:

(1) The Commission finds that FTC possesses the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 1996). Mr. McCutchen testified that FTC has sufficient technical, financial, and managerial resources and ability to provide the telecommunications services for which FTC seeks authority. According to Mr. McCutchen, FTC intends to offer local exchange and exchange access services to designated areas between points where facilities are available.

Mr. McCutchen stated that FTC's management team has considerable experience and stated that FTC possesses the necessary management and technical resources to provide the services for which it seeks authority.

Regarding FTC's financial resources, the record reveals that FTC is incorporated under the laws of the State of South Carolina. Mr. McCutchen testified that FTC is adequately funded and has sufficient financial resources to provide local services.

No other party offered any evidence in opposition to Mr. McCutchen's testimony. Based on the undisputed evidence of the record, the Commission finds that FTC possesses the technical, financial, and managerial resources sufficient to provide the services requested.

(2) The Commission finds that FTC will provide services that will meet the service standards of the Commission. S.C. Code Ann. §58-9-280(B)(2) (Supp. 1996). Mr. McCutchen specifically stated that FTC will comply with all applicable rules, policies, and statutes applicable to the offering of those services and that FTC fully intends to meet the Commission's service standards. No party offered any evidence to dispute Mr. McCutchen's testimony. Based on the undisputed testimony from Mr. McCutchen, the Commission believes, and so finds, that FTC will provide telecommunications services which will meet the service standards of the Commission.

(3) The Commission finds that FTC's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. §58-9-280(B)(3) (Supp. 1996). Mr. McCutchen stated that FTC's service offerings would not adversely impact the availability of affordable local exchange service. No party offered any evidence that the provision of local exchange service by FTC would adversely affect local rates. Therefore, based on the undisputed evidence of record, the Commission

finds that provision of local exchange services by FTC will not adversely impact affordable local exchange service.

(4) The Commission finds that FTC will support universally available telephone service at affordable rates. S.C. Code Ann. §58-9-280(B)(4) (Supp. 1996). Mr. McCutchen testified that FTC will comply with the Commission's universal service requirements. No party disputed Mr. McCutchen's testimony. Based on the undisputed evidence of record, the Commission finds that FTC will participate in support of universally available telephone service at affordable rates.

(5) The Commission finds that the provision of local exchange and exchange access service by FTC "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1996). Mr. McCutchen offered that approval of FTC to provide local telecommunications services will benefit consumers by making local service more affordable and available. Mr. McCutchen's testimony was undisputed as no party offered any evidence that approval of FTC's Application would adversely impact the public interest. Therefore, the Commission finds that approval of FTC's Application for a Certificate to provide local exchange and exchange access service "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1996).

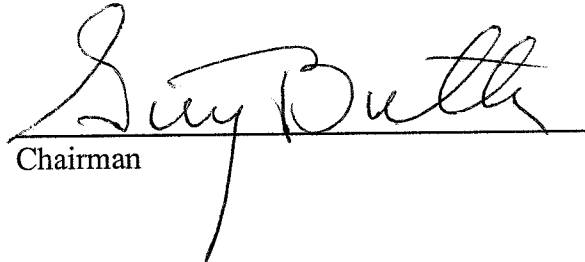
Therefore, based on the findings above, the Commission finds and concludes that the Certificate sought by FTC should be granted.

IT IS THEREFORE ORDERED THAT:


1. The Application of FTC for a Certificate of Public Convenience and Necessity authorizing FTC to provide local exchange telecommunications and exchange access services in the specified areas in the amended application and testimony is approved.
2. FTC shall file, prior to offering local exchange services in South Carolina, a final tariff of its service offerings.
3. FTC shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, and tests and repairs. In addition, FTC shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. FTC shall file with the Commission the names, addresses, and telephone numbers of these representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, FTC shall promptly notify the Commission in writing if the representatives are replaced. FTC is directed to comply with all Commission regulations unless expressly waived by the Commission.
4. FTC shall conduct its business in accordance with Commission decisions and Orders, both past and future, including, but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director

(SEAL)

DOCKET NO. 98-127-C - ORDER NO. 98-463  
JUNE 19, 1998  
ATTACHMENT A

**INFORMATION OF THE AUTHORIZED UTILITY  
REPRESENTATIVES FOR INTEREXCHANGE, LOCAL  
AND AOS COMPANIES**

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION  
REGULATION 103-612.2.4(b), each utility shall file and maintain with the Commission  
the name, title, address, and telephone number of the persons who should be contacted in  
connection with Customer Relations/Complaints.

\_\_\_\_\_  
Company Name/DBA Name

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Authorized Utility Representative (Please Print or Type)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
This form was completed by      Signature

If you have any questions, contact the Consumer Services Department at 803-737-5230